



National Health Council

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July 13, 2015

The Honorable Chuck Grassley
Chairman
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Bob Goodlatte
Chairman
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable Patrick J. Leahy
Ranking Member
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Conyers Jr.
Ranking Member
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

Re: Ensuring Protection of Scientific Innovation and Improving Patient Health When Considering Reforms to the U.S. Patent System

Dear Chairman Grassley, Ranking Member Leahy, Chairman Goodlatte, and Ranking Member Conyers:

The National Health Council (NHC) would like to urge you to more carefully examine the role of the *inter partes* review (IPR) process and its impact on the life science sector as you work to modify the U.S. patent system. Intellectual property predictability is one of the most crucial elements to encourage the development of cures and treatments for people with unmet medical needs. It is an important consideration for biopharmaceutical companies, funders of university research, and venture capitalists, all of whom are essential parts of the medical innovation equation. We urge Congress to carefully consider this factor as you pursue reforms to the patent system.

The NHC is the only organization that brings together all segments of the health community to provide a united voice for the more than 133 million people with chronic diseases and disabilities and their family caregivers. Made up of more than 100 national health-related organizations and businesses, its core membership includes the nation's leading patient advocacy groups, which control its governance. Other members include professional societies and membership associations, nonprofit organizations with an interest in health, and major pharmaceutical, medical device, biotechnology, and health insurance companies.

The NHC has long advocated for policies that promote the development of treatments for unmet medical needs. We have called on Congress to pass

legislation such as the Modernizing Our Drug and Device Evaluation and Regulatory Networks (MODDERN) Cures Act and the Dormant Therapies Act.

While our focus is on promoting incentives to drive the development of new treatments for unmet medical needs, we are concerned that the IPR process has created unintended consequences of inserting a new level of uncertainty into the medical innovation ecosystem and has led to abuses of the system.

As Congress considers legislation related to the U.S. patent system, the NHC urges you to fully consider the immediate and long-term effects that IPR and any proposed changes to the patent system may ultimately have on patients and their families who are still waiting for promising life-saving treatments.

We thank you for your time and consideration. Please do not hesitate to contact Eric Gascho, our Assistant Vice President of Government Affairs, if you or your staff would like to discuss these issues in greater detail. He is reachable by phone at 202-973-0545 or via e-mail at egascho@nhcouncil.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'MBoutin', with a long horizontal stroke extending to the right.

Marc Boutin, JD
Chief Executive Officer